

Acts 2014

Chapter 116 AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF WRENTHAM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The following shall be the charter of the town of Wrentham:-

ARTICLE 1 TOWN INCORPORATION, FORM OF GOVERNMENT AND POWERS

SECTION 1.1 INCORPORATION

The inhabitants of the town of Wrentham within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Wrentham".

SECTION 1.2 SHORT TITLE

This instrument shall be known and may be cited as the Wrentham Home Rule Charter.

SECTION 1.3 DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- A) "Board of assessors", the duly appointed board of assessors for the town of Wrentham.
- B) "Board of health", the duly appointed board of health for the town of Wrentham.
- C) "Select board", the duly elected Select board for the town of Wrentham.
- D) "Building commissioner", the duly appointed building commissioner for the town of Wrentham.
- E) "Board of trustees for the Wrentham public library" or "board of library trustees", shall be the duly appointed board of trustees for the Wrentham public library.
- F) "Charter", this charter and any amendments to it hereafter adopted.
- G) "Days", business days, not including Saturdays, Sundays and legal holidays when the time set is less than 7 days; provided, however, that when the time set is 7 days or more, every day shall be included.
- H) "Director of Planning and Economic Development (Town Planner)" the duly appointed director of tge town's planning department.
- I) "Director of public works", the duly appointed director of the town's department of public works.
- J) "Emergency", a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

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- K) "Fire chief, the duly appointed fire chief for the town of Wrentham.
- L) "Finance committee", the duly appointed finance committee for the town of Wrentham.
- M) "Finance director", the duly appointed finance director for the town of Wrentham.
- N) "King Philip Regional School District school committee", the duly elected school committee of the King Philip Regional School District.
- O) "Local newspaper", a newspaper of general circulation in the town of Wrentham.
- P) "Majority vote", a majority of the full membership of a multiple member body, unless this charter or the General Laws require a greater number.
- Q) "Multiple member body", any town board, commission, committee, subcommittee or other body consisting of 2 or more persons whether elected, appointed or otherwise constituted.
- R) "Planning board", the duly elected planning board for the town of Wrentham.
- S) "Police chief, the duly appointed police chief of the town of Wrentham.
- T) "Residents", persons who maintain a primary residence in the town of Wrentham.
- U) "School department", the Wrentham public schools.
- V) "Town", the town of Wrentham.
- W) "[Town Manager](#)", the duly appointed [Town Manager](#) for the town.
- X) "Town agency", any board, commission, committee, department, division or office of the town government.
- Y) "Town bulletin boards", bulletin boards in the town hall, designated by the town manager, on which official notices are posted and those at other town buildings [or facilities](#) which may be designated as town bulletin boards.
- Z) "Town clerk", the duly appointed or elected town clerk.
- AA) "Town counsel", the duly appointed general legal counsel for the town appointed [by the town manager](#).
- BB) "Town meeting", the open town meeting established in Article 2, whether annual [or special](#).
- CC) "Town moderator", or "moderator", the duly elected town moderator.
- DD) "Town officer", a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.
- EE) "Town planner", the duly appointed town planner.
- FF) "Voters", registered voters of the town.
- GG) "Warrant", a document required to warn and notify residents and inhabitants of the town, who are qualified to vote in town affairs, to meet at a specific place to act on published articles relating to the governance of the town.
- HH) "Wrentham Housing Authority", the duly elected town housing authority.

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II) "Wrentham public school committee", is the duly elected committee of the Wrentham public schools.

SECTION 1.4 POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the commonwealth, it is the intent and the purpose of the voters to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the commonwealth.

SECTION 1.5 DIVISION OF POWERS

All legislative powers of the town shall be exercised by a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the Select board, the Town Manager and elected officers and boards.

SECTION 1.6 CONSTRUCTION

The powers of the town of Wrentham under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the town of Wrentham as stated in section 1.4.

SECTION 1.7 INTERGOVERNMENTAL RELATIONS

Consistent with any applicable constitutional or statutory provisions, the town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, with any 1 or more civil divisions, subdivisions or agencies of any state or the United States government.

ARTICLE 2 - LEGISLATIVE BRANCH

SECTION 2.1 TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters of the town.

SECTION 2.2 PRESIDING OFFICER

The moderator, elected as provided in section 3.3, shall preside at all sessions of the town meeting, but the moderator shall have no vote unless those voters present and voting are equally divided. In the event of the absence or disability of the moderator, the town meeting shall elect from those voters present at the town meeting a temporary moderator to act during such absence or disability. The moderator shall perform such duties as may from time to time be assigned to the office of moderator by by-law, rule or other vote of the town meeting. The moderator, at all town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by law, this charter, by by-law or other vote of the town meeting.

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SECTION 2.3 THE TOWN REPORT

The Select board shall publish an annual town report and make it available at least 14 days before the spring town meeting; provided, however, that failure to comply with this section shall not prevent the town meeting from proceeding.

SECTION 2.4 TOWN MEETING

The town meeting shall meet in regular session twice in each calendar year. The first such meeting, referred to as the "spring town meeting", shall be held between the months of March and June, inclusive, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies. The spring town meeting shall be deemed to be the annual town meeting. The second such meeting, referred to as the "fall town meeting", shall be held during the last 3 months of the calendar year. The content, scheduling and notice requirements for both the spring and the fall town meetings shall be as provided for in section 10 of chapter 39 of the General Laws. Section

SECTION 2.5 SPECIAL TOWN MEETINGS

Special town meetings shall be held at the call of a majority of the full membership of the Select board in order to transact the legislative business of the town. Special town meetings shall be held in accordance with section 10 of chapter 39 of the General Laws.

SECTION 2.6 WARRANTS

Every town meeting shall be called by a warrant issued by the Select board, which shall state the time and place at which the meeting is to convene and, by separate articles, identify the subject matters to be acted upon. The publication of the warrant for every town meeting shall be in accordance with the General Laws and town by-laws.

SECTION 2.7 WARRANT ARTICLES

- A) ~~(a)~~ Initiation - Subject to subsection (c), the Select board shall receive petitions addressed to it which request the submission of any matter to the town meeting and which are filed by:
 - (i) any town officer;
 - (ii) any multiple member body acting by a majority of its members; or
 - (iii) any 10 voters for a session of the annual town meeting and any 100 voters for a special town meeting.
- B) Referral - Following receipt of a petition containing a proposed warrant article, the Select board shall deliver a copy of the proposal to the chairperson of the finance committee and shall distribute copies of the proposal as may be required by the law or by-law.
- C) Inclusion on the Warrant Annual Town Meeting - When an annual town meeting is to be called, notice shall be given by posting attested copies of the warrant in at least 2 public places in the town and by publishing notice of the meeting by such method of town-wide publication that the town may specify

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by by-law at least 14 days before the day appointed for the meeting. The Select board shall include in the warrant for an annual town meeting the subject matters of all petitions received by the Select board at least 60 days before the date fixed by by-law for such session to convene.

D) (Inclusion on the Warrant - Special Town Meeting - When a special town meeting is to be called, notice shall be given by posting attested copies of the warrant in at least 2 public places in the town and by publishing notice of the meeting by such method of town-wide publication that the town may specify by by-law at least 14 days before the day appointed for the meeting. The Select board shall include in the warrant for a special town meeting the subject matters of all petitions received by the Select board least 20 days before the day appointed for the meeting. The content, scheduling and notice requirements for a special town meeting shall be as provided for in section 10 of chapter 39 of the General Laws.

E) (e)Signature Verification — The process for signature verification for written requests of registered voters for the insertion of subjects in town meeting warrants shall be as provided for in section 10 of chapter 39 of the General Laws.

SECTION 2.8 AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS; CONFLICTING MEETINGS

A) Every chairperson or designated representative of each multiple member body that has sponsored an article on the warrant, elected town officer and department head should attend all sessions of town meetings.

B) In the event an elected town officer, a chairperson of a multiple member body or a department head shall be absent from a town meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent the office, multiple member body or department. If any person designated to attend a town meeting under this section is not a voter, such person shall, nonetheless, have a right to address the meeting for the purpose of fulfilling the objectives of this section.

C) Except for meetings held in the same room as the town meeting, no meeting of any multiple member body or town agency shall be convened or be in session during a session of any town meeting.

SECTION 2.9 CLERK OF THE MEETING

The town clerk shall serve as clerk of the town meeting, give public notice of all adjourned sessions of the town meeting, record its proceedings and perform such additional duties in connection therewith as may be provided by the law, this charter, by-law or other town meeting vote.

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SECTION 2.10 RULES OF PROCEDURE

The town meeting may, by by-law, establish, amend, revise or repeal rules to govern the conduct of all town meetings.

SECTION 2.11 GENERAL POWERS AND DUTIES

The town meeting shall provide for the exercise of all the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made by law, this charter or by-law.

SECTION 2.12 REPORT OF THE VOTERS

- A) There shall be published for every town meeting a copy of the warrant, together with its articles, and a report to the voters containing the explanation and relevant data submitted by the proponents of each article; provided, however, that the town administrator may direct that voluminous supporting material necessary for consideration of particular articles be made reasonably available for inspection at public locations or on the town's official web site, rather than in the written report to the voters, before the town meeting. All proposed warrant articles shall be accompanied by the required explanation and relevant data at the time of submission. The [Town Manager](#) shall determine what material is required under this section to prepare the report to the voters and shall make the same available as soon as practicable.
- B) The report shall be made available to residents of the town, by a method determined by the [Town Manager](#); provided, however, that the failure to make the report available shall not prohibit a town meeting from acting upon the matters set forth in the warrant and shall not affect the validity of the proceedings at a town meeting.

ARTICLE 3 ELECTED OFFICERS

SECTION 3.1 GENERAL PROVISIONS

- A) The offices to be voted on by the entire town shall be the [Select board](#) the moderator, the Wrentham public school committee, the town of Wrentham members of the King Philip Regional School District school committee, ~~the board of assessors, the board of health,~~ the planning board, ~~the board of trustees of the Wrentham public library,~~ 3 members of the Wrentham Housing Authority, ~~constables~~ and such members of regional authorities or districts as may be established by statute, inter-local agreement or otherwise.
- B) The regular elections for town office shall be held annually on such date as may from time to time be fixed in the town by-laws.
- C) Only residents shall be eligible to hold an elected town office. No elected town official shall simultaneously hold any other town office, whether by election or appointment.
- D) Elected town officials shall receive such compensation for their services as may be appropriated.

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E) Filling of Vacancies:

- (i) Moderator - If there is a failure to elect a town moderator, or if a vacancy occurs in the office of town moderator, the town meeting shall, as its first act, elect a temporary moderator. Any member of town meeting may nominate a candidate. As a minimum assurance, the Select board shall nominate at least 1 candidate willing to serve. The town clerk shall preside over the town meeting until a temporary moderator is elected. Once elected, the temporary town moderator shall serve until the next town election.
- (ii) Elected Multiple Member Body - If there is a failure to elect a member of a multiple member body, or if a vacancy occurs in the membership of an elected multiple member body, the remaining members of that multiple member body shall give notice of such vacancy to the Select board and to the public. The Select board and the remaining members of the multiple member body shall, after 1 week's notice of the vacancy, fill the vacancy until the next town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on the vacancy shall be necessary for the election.
- (iii) Select board - If there is a failure to elect a member of the Select board, or if a vacancy occurs in the membership of the Select board, the remaining members of the Select board may call a special election to fill the vacancy or shall call the special election upon the written request of 200 or more voters; provided, however, that such request is filed with the Select board not less than 100 days prior to the date of the next annual election.
- (iv) Notwithstanding a town officer's election by the voters, a town officer named in this section shall be subject to the call of the Select board or the Town Manager, at all reasonable times, for consultation, conference and discussion on any matter relating to the officer's position.

SECTION 3.2 SELECT BOARD

- a. There shall be a Select board consisting of 5 members elected at-large for a term of 3 years, so arranged that the terms of office of as nearly an equal number of members as is possible shall expire each year. No person shall serve on the Select board while at the same time serving as a town employee.
- b. Powers and Duties — The Select board shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with elected town officers and multiple member bodies, to develop and promulgate policy guidelines designed to coordinate the operation of all town agencies; provided, however, that nothing in this section shall be construed to authorize any member of the Select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Select board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers

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and employees serving under it. The [Select board](#) shall serve as the goal-setting, long-range planning and policy-making body of the town, recommending major courses of action to the town meeting and adopting operating policy directives and guidelines to be implemented by officers, boards, committees, commissions and employees of the town.

c. Investigations — The [Select board](#) may direct the [Town Manager](#) to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town, and, for this purpose, the [Town Manager](#), by and through the [Select board](#), may subpoena witnesses, administer oaths, take testimony and require the production of evidence. A summary report of such an investigation shall be placed on file in the office of the town clerk.

e-d. Collective Bargaining — Solely for the purpose of collective bargaining under chapter 150E of the General Laws, the [Select board](#) shall remain the chief executive officer of the town and the [Town Manager](#) shall be the agent of the [Select board](#) for collective bargaining.

d-e. Licensing Authority — The [Select board](#) shall be a licensing board for the town and shall have the power to: (i) issue licenses as authorized by the General Laws; (ii) make all necessary rules and regulations regarding the issuance of such licenses; (iii) attach conditions and impose permissible restrictions on any such licenses as it deems is in the public interest; and (iv) enforce all laws, rules, regulations and restrictions relating to all such businesses for which it issues licenses.

e-f. Public Comment — The [Select board](#) shall ~~may~~ provide at each regularly scheduled [Select board](#) meeting a portion of time for public comment. The procedures for public comment may be as provided by town by-law or rules of procedure of the [Select board](#) as may from time to time be adopted or amended.

f-g. Official Acts — The [Select board](#) shall cause the charter, by-laws and rules and regulations for the government of the town to be enforced and shall keep an up-to-date record of all its official acts.

g-h. Appointments — The [Select board](#) have the authority to appoint: (i) the [Town Manager](#), in accordance with section 4.1; and (ii) a conservation commission, zoning board of appeals, [board of assessors](#), [board of health](#), [library board of trustees](#), council on aging, local cultural council and any other entities as required by the General Laws. When vacancies occur for any of the entities under (ii) immediately above, the select board will make the appointment with input from the affected entity. The terms of office of all appointments made by the [Select board](#) ~~board of selectmen~~ shall be as specified by the General Laws, this charter, by-law or town meeting vote, unless specified otherwise in this charter.

SECTION 3.3 TOWN MODERATOR

F)A) There shall be a town moderator elected for a term of 43 years.

G)B) Powers and Duties — The town moderator shall be the presiding officer of the town meeting, shall regulate town meeting proceedings, decide all

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questions of order and shall have such other powers and duties as may be provided for by law, this charter, by-law and other vote of the town meeting.

~~H)C) Appointments — The town moderator shall appoint the finance committee, the capital budget planning committee and shall participate in the appointment of the personnel board with the chairperson of the board of selectmen and chairperson of the finance committee.~~

SECTION 3.4 WRENTHAM PUBLIC SCHOOL COMMITTEE

~~H)A) There shall be a Wrentham public school committee consisting of 5 members, each elected for a 3-year term so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.~~

~~H)B) Powers and Duties — The Wrentham public school committee shall have all the powers and duties that are given to school committees by the General Laws, including, but not limited to, collective bargaining and it shall have such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote. The powers of the Wrentham public school committee shall include, but are not limited to, the following:~~

~~K)C) to appoint or discharge a superintendent of the schools and other officers as allowed by the General Laws and to fix such officers' and superintendent's compensation, define the duties of such officers and the superintendent and make rules concerning the tenure of those offices;~~

- ~~(i) to make all reasonable policies consistent with the General Laws or state department of education regulations for the administration and management of the public school system and for the conduct of its own business and affairs;~~
- ~~(ii) to adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town meeting;~~
- ~~(iii) charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established by the charter, by-law or other vote of the town meeting; and~~
- ~~(iv) to determine that additional classrooms are necessary to meet the educational needs of the community, and then at least 1 member of the school committee, or a designee, shall serve on the agency, council or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.~~

Section 3.5 BOARD OF ASSESSORS

~~a. — There shall be a board of assessors which shall consist of 3 members, each elected for a term of 3 years, so arranged that 1 term shall expire each year.~~

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Section 3.6 BOARD OF HEALTH

~~a. There shall be a board of health which shall consist of 3 members, each elected for a term of 3 years, so arranged that 1 term shall expire each year.~~

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~~b. Powers and Duties The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health and, subject to the terms or limitations of this charter, shall have all of the powers and duties which are given to boards of health under the constitution and laws and such additional powers and duties as may be authorized by charter, by law or by other vote of the town meeting.~~

~~SECTION 3.2~~ SECTION 3.5 ~~7~~ PLANNING BOARD

A) There shall be a planning board consisting of 7 members, each elected for a term of 3 years, so arranged that the term of office of as nearly an equal number as is possible shall expire each year.

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B) Powers and Duties - The planning board, subject to the terms or limitations of this charter, shall have all of the powers and duties planning boards may have under the constitution and laws and such additional powers and duties as may be authorized by charter or by-law or by other vote of the town meeting.

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C) The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The planning board shall provide for the review of the comprehensive master plan every 10 years, setting forth in graphic and textual form policies governing the future growth and development of the town, including the town's economic and community development.

A)D) The planning board shall regulate the subdivision of land within the town by adoption of rules and regulations governing such development and the administration of such rules and regulations. The planning board shall make recommendations to the town meeting on all matters affecting land use and development, including the zoning by-laws of the town. The planning board shall prepare an annual report, giving information regarding the condition of the town and any plans or proposals for the town's development.

Section 3.8 BOARD OF LIBRARY TRUSTEES

~~a. There shall be a board of library trustees consisting of 6 members, each elected for a term of 3 years, so arranged that the term of office of an equal number of members shall expire each year.~~

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Section 3.9 CONSTABLES

~~a. There shall be 3 constables, each elected for a term of 3 years.~~

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~~b. Powers and Duties — Constables may serve writs and processes and shall have the powers of sheriffs to require aid in the execution of the constables' duties. The constables shall serve all warrants and other processes directed to them by the board of selectmen for notifying of town meetings or for other purposes. Constables may serve by copy, attested to by them, demands, notices and citations and the constables' returns of service thereof shall be prima facie evidence of the delivery. Subject to the terms or limitations of this charter, constables shall have all of the powers and duties which are given to constables under the constitution and laws and such additional powers and duties as may be authorized by the charter, by law or other vote of the town meeting.~~

SECTION 3.6 WRENTHAM HOUSING AUTHORITY

A) There shall be a Wrentham Housing Authority which shall consist of 5 commissioners, each serving for a term of 5 years, so arranged that the term of 1 commissioner shall expire each year. ~~Four~~ Three such commissioners shall be elected by the voters; the fourth and the fifth commissioner shall be appointed as provided in section 5 of chapter 121B of the General Laws.

B) Powers and Duties — The Wrentham Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly and disabled persons of low income. The Wrentham Housing Authority shall have such other powers and duties as are assigned to housing authorities by the General Laws.

SECTION 3.7 KING PHILIP REGIONAL SCHOOL DISTRICT - WRENTHAM MEMBERS

~~B)A)~~ A) The voters shall elect members of the King Philip Regional School District school committee for such terms as may be provided under the agreement and laws establishing the school district.

~~C)B)~~ B) Powers and Duties — The town's members of the King Philip Regional School District school committee shall fulfill the town's responsibilities relative to the management and supervision of the school district according to the agreement and laws governing the school district.

SECTION 3.8 RECALL PROVISIONS

Recall provisions shall be in accordance with chapter 74 of the acts of 2008, as may be amended.

ARTICLE 4 TOWN ADMINISTRATOR/TOWN MANAGER

SECTION 4.1 APPOINTMENT; QUALIFICATIONS; TERM

a. The Select board shall, by an affirmative vote of the majority of the full board, appoint or reappoint for a term of 35 years and fix the compensation of the Town Manager within the amount annually appropriated for this purpose. Any vacancy

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in the office of the Town manager shall be filled as soon as possible by the select board, and meanwhile it shall appoint a suitable person as temporary Town Manager to perform the duties of the office. The Town Manager shall be appointed principally on the basis of executive and administrative qualifications and experience. The Town Manager shall be a professionally qualified person of proven ability, especially fitted by education, which shall consist of at least a bachelor's degree from an accredited degree-granting college or university, and the Town Manager's professional experience shall include previous, full-time, compensated service in a managerial capacity in public or business administration.

- b. The position of Town Manager shall be a full-time position and the best efforts of the Town Manager shall be devoted to the office. The Town Manager shall not hold any other public office, elective or appointive, except in an ex officio capacity. The Town Manager shall not engage in any business or occupation without the written approval of the Select board in advance.
- c. The Select board shall provide for an annual review of the job performance of the Town Manager, which shall, at least in summary form, be a public record in accordance with the personnel by-laws or accepted evaluation process.
- d. Prior to appointment the town manager shall not have served in an elected office in the town government for at least 12 months.

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SECTION 4.2 Prior OWERS OF APPOINTMENT

A) The town manager shall appoint, except as otherwise authorized by the Charter, all department heads, officers, members of boards and commissions and employees. Such department head appointments, when made, shall become effective on the 15th day following the day on which notice of the appointment is filed with the select board, unless the select board shall within that period by a majority of all of its members vote to reject such appointment.

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a. For departments that fall under the jurisdiction of the board of selectmen, the town administrator shall have the following appointing authorities:

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i. select for appointment department heads for police, fire, public works, finance, building inspection, recreation, senior center, the conservation agent and any other department under the jurisdiction of the board of selectmen; provided, however, that such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless, within that period, the board of selectmen, by a vote of at least 3 of its members, reject such appointment or has sooner voted to affirm it; and

ii. appoint a search committee for each department head vacancy; provided, however, that the town administrator shall appoint to each search committee a representative of the board, commission, council or committee associated with the department head as chosen by such board, commission, council or committee.

~~b. — For departments that are not within the jurisdiction of the board of selectmen, the town administrator shall have the following appointing authority:~~

~~i. select for appointment the appraiser, planner, health agents and inspectors, library director and any other department head not within the jurisdiction of the board of selectmen; provided, however, that appointments to such positions shall become effective on the fifteenth day following the day on which notice of the appointment is provided by the town administrator to the board of assessors, planning board, board of health or board of library trustees or such other board associated with the department head, unless, within that period, the appropriate board votes to reject the appointment by majority vote or has sooner voted to affirm it; and~~

~~ii. appoint a search committee for each department head vacancy; provided, however, that the town administrator shall appoint to each search committee a representative of the board, commission, council or committee associated with the department head as chosen by such board, commission, council or committee.~~

~~A)B)~~ Subject to this section, the ~~town administrator~~ **Town Manager** shall be the appointing authority for all town employees, except fire fighters, police officers and emergency medical technicians. All candidates for employment and promotion shall be recommended by the associated department head to the ~~town administrator~~ **Town Manager**. The **Town Manager** shall also have appointing authority for all professional, legal, technical and operational positions, including contractors and consultants and other such positions not otherwise provided for in this charter as may be created by the General Laws, this charter, by-law or by vote of the town, with the exception of town counsel, ~~which shall be appointed by the board of selectmen.~~

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SECTION 4.3 RESPONSIBILITIES

~~A)~~ The **Town Manager** shall be the chief ~~executive and~~ administrative officer of the town, directly responsible to the ~~Select board~~ for the administration of all town affairs for which the office of **Town Manager** is given responsibility under this charter.

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~~B)~~ The powers and duties of the **Town Manager** shall include, but be limited to, the following:

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- i. to supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Manager is given authority, responsibility or control by this charter, by-law, vote of the town meeting, vote of the Select board or otherwise, either directly or through a person or persons appointed by the town manager in accordance with this act;
- ii. to administer the town's personnel by-laws, including, but not limited to, personnel policies and practices, rules and regulations, including provisions for recruitment, an annual employee performance review, employee grievance procedures and discipline, workplace safety and collective bargaining agreements entered into by the town; provided, however, that

- notwithstanding any provision to the contrary contained in any by-law, with the exception of those employees for whom the police chief or fire chief is the appointing authority, no employee, contractor or consultant of the town shall be terminated without the approval of the Town Manager;
- iii. to fix the compensation of all appointed officers and employees within the limits established by appropriation;
 - iv. to attend all regular and special meetings of the Select board unless unavailable for reasonable cause; provided, however, that the Town Manager shall have a voice but not a vote in all Select board proceedings;
 - v. to keep the Select board advised concerning the status of all matters which have been referred to the office of the Town Manager by the Select board
 - vi. to assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the Select board, but not less frequently than quarterly, a full report of all town administrative operations during the period reported on;
 - vii. to keep the Select board advised as to the needs of the town and shall recommend to the Select board and other elected town officers and agencies for adoption such measures requiring action by the Select board or elected town officers or agencies or by the town meeting, as the Town Manager may deem necessary or expedient;
 - viii. to have full jurisdiction over the rental and use of all town facilities and property, except property under the control of the Wrentham public school committee ~~and the board of library trustees~~; provided, however, that the Town Manager shall be responsible for the maintenance and repair of all town buildings and facilities placed under the Town Manager's control by this charter, by-law, vote of the town or otherwise;
 - ix. to prepare and present an annual operating budget for the town and a proposed capital outlay program for the next 5 fiscal years and, in conjunction with the same, prepare and maintain a strategic plan for the future provisions of services by all town agencies as changes are projected in the town's population, financial demands, revenue projections, legal requirements, technological options, cultural opportunities and other relevant factors;
 - ix. to assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the Wrentham public school committee ~~and the library board of trustees~~;
 - x. to act as the chief procurement officer, as required by chapter 30B of the General Laws, responsible for the purchase of all commonly used supplies, materials, equipment and services, except books and other educational materials for schools and books, equipment and other media materials for the library, and shall approve the award of all contracts for all town departments except for those matters under the jurisdiction of the school department ~~and the library board of trustees~~;
 - xi. to negotiate and enter into all contracts involving any subject within the jurisdiction of the office of Town Manager, including, but not limited to, legal services and insurance contracts, all inter-municipal agreements, and

- contracts with town employees, but not including collective bargaining agreements and all school department contracts;
- xii. to examine, or cause to be examined, the quantity, quality and condition of all supplies, materials and equipment delivered to or received by any town agency; provided, however, that the Town Manager shall be responsible for the disposal of all supplies, materials and equipment which have been declared surplus by any town agency, except for property under the control of the school department;
 - xiv. to see that the General Laws, this charter, town by-laws and other votes of the town meeting and votes of the Select board which require enforcement by the Town Manager, or officers subject to the direction and supervision of the Town Manager, are faithfully executed, performed or otherwise carried out;
 - xv. to inquire, at any time, into the conduct of an office or the performance of the duties of any officer or employee, department, board, commission or other town agency;
 - xvi. to attend all sessions of the town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the Town Manager exercises any supervision;
 - xvii. to establish, assign and reassign duties, functions and responsibilities of all town employees and to create, amend and maintain job descriptions and classification of pay plans of said employees; provided, however, that for the purposes of this clause, "all employees" shall not apply to fire fighters, police officers, emergency medical technicians and employees under the jurisdiction of the Wrentham public school committee;
 - xviii. to generally coordinate the activities of all town agencies; provided, however, that, for the purpose of affecting coordination and cooperation among all agencies of the town, the Town Manager shall have the authority to require persons so elected, or their representatives, to meet with the Town Manager, at reasonable times, to submit such reports of the town agency's doings and summaries of actions taken as may be deemed to be necessary or desirable for the purpose of such coordination;
 - xix. to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town and, for this purpose, the Town Manager may subpoena witnesses, administer oaths, take testimony and require the production of evidence; provided, however, that a summary report of such an investigation shall be placed on file in the office of the town clerk;
 - xx. to issue warrants for the payment of town funds; provided, however, that the Town Manager's signature on warrants shall be sufficient authorization for payment of those warrants by the treasurer- collector, provided the bills, drafts, orders and payrolls have been properly submitted and have been examined and approved by the director of finance; provided further, that in the temporary absence of the Town Manager, warrants may be approved

and signed by the person designated by the Town Manager pursuant to section 4.4 or by at least 3 members of the Select board ; and provided further, that in the event of a vacancy in the office of the Town Manager, warrants may be approved and signed by a person designated by the Select board pursuant to section 4.4 or by at least 3 members of the Select board ; and

xxi.to perform any other duties as required to be performed by the town manager by by-laws, administrative codes, votes of the town meeting, votes of the select board or otherwise.

SECTION 4.4 ACTING TOWN MANAGER

- a. Temporary Absence — By letter filed with the town clerk, the Town Manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence the Select board may not revoke such designation until at least 10 days have passed, whereupon the Select board may appoint another qualified town administrative officer or employee to serve until the Town Manager shall return.
- b. Vacancy — Any vacancy in the office of the Town Manager shall be filled as soon as possible by the Select board ; provided, however, that pending such regular appointment, the Select board shall appoint a qualified administrative officer to perform the duties of the office on an acting basis. Such temporary appointment may not exceed 36 months, but 1 renewal may be voted by the Select board not to exceed an additional 3 months. Compensation for such person shall be set by the Select board .
- c. Powers and Duties - The powers of temporary or acting Town Manager, under subsections (a) and (b), shall be limited to matters which shall not be delayed and shall include authority to make temporary, emergency appointments or designations to town offices or employment, but not to make permanent appointments or designations.

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SECTION 4.5 REMOVAL AND SUSPENSION

- a. The Select board may, by the affirmative vote of 4 members, terminate and remove or suspend, for cause, the Town Manager from office in accordance with the following procedure. "For cause" shall mean incompetency, inefficiency, incapacity, conduct unbecoming an employee of the town, neglect of duty or any other ground put forth by Select board that is not arbitrary, irrational, unreasonable or irrelevant to the sound and efficient administration of the town.
- b. The Select board shall adopt a preliminary resolution of removal by an affirmative vote of 4 members, which must state the reasons for removal. This preliminary resolution may suspend the Town Manager for a period not to exceed 45 days. A copy of the resolution shall be delivered to the Town Manager.
- c. Within 5 days after receipt of the preliminary resolution, the ~~town administrator~~ Town Manager may request a public hearing by filing a written request for such hearing with the Select board ~~board of selectmen~~. This hearing shall be held at a meeting of the Select board ~~board of selectmen~~ not later than

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- 30 days, nor earlier than 20 days, after the request is filed. The [Town Manager](#) may file a written statement responding to the reasons stated in the resolution of removal with the [Select board](#), provided the same is received at its office more than 48 hours in advance of the public hearing.
- d. The [Select board](#) may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of 4 of its members not less than 10, nor more than 21 days, following the date of delivery of a copy of the preliminary resolution to the [Town Manager](#), if the [Town Manager](#) has not requested a public hearing; or within 10 days following the close of the public hearing if the [Town Manager](#) has requested such a hearing. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the [Town Manager](#) shall, at the expiration of said time, resume the duties of the office.
 - e. Faced with action by the [Select board](#) to terminate, remove or suspend, the [Town Manager](#) shall be afforded all of the provisions provided municipal employees under sections 18 to 25, inclusive of chapter 30A of the General Laws, known as the open meeting law.
 - f. The action of the [Select board](#) in suspending or removing the [Town Manager](#) shall be final, it being the intention of this section to vest all authority and fix all responsibility for such suspension or removal solely in the [Select board](#).

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5.1 ORGANIZATION OF TOWN AGENCIES

Town meeting may, by by-law:

~~(i)A)~~ reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part;

~~B)~~ establish new town agencies as it deems necessary or advisable; and determine the manner of selection, the term of office and prescribe the functions of all such town agencies; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to another town agency. With the approval of the select board, the town manager in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under the Town Manager's direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as the town manager deems necessary.

~~(ii) The town administrator may from time to time prepare and submit to the town meeting plans for organization or reorganization which establish operating departments for the orderly, efficient or convenient conduct of the business of the town.~~

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SECTION 5.2 PERSONNEL BY-LAWS

The town shall maintain personnel by-laws pursuant to the authority granted by Article LXXXIX of the constitution of the commonwealth and sections 108A and 108C of chapter 41 of the General Laws. The personnel by-laws establish the human resources system for the town.

SECTION 5.3 MERIT PRINCIPLE

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

SECTION 5.4 TOWN CLERK

a. The Town Clerk shall have the powers, perform the duties, and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon Town Clerks but shall be subject to the general supervision and direction of the Town Manager in the performance of the town clerk's duties. The town clerk shall be sworn to the faithful performance of the town clerk's duties by the chairman of the Selectmen or by a justice of the peace.

a. —

b. The town clerk shall: (i) be the keeper of vital statistics for the town; (ii) be the custodian of the town seal; (iii) administer the oath of office to all persons elected or appointed to any office; (iv) issue such licenses and permits as are required by by-law to be issued by the town clerk; (v) supervise and manage the conduct of all elections and all other matters relating to elections; and (vi) be the clerk of the town meeting, keep the town meeting records and in the absence of the moderator, preside over the town meeting pending the election of a temporary moderator. The town clerk, subject to the terms or limitations of this charter, shall also have such other powers and duties as are given to town clerks by the General Laws, this charter, by-law or by other vote of the town meeting.

c. The Town Manager shall appoint a suitably qualified person to the office of Town Clerk.

d. The person holding the elective office of Town Clerk at the time of the acceptance of this act shall serve out the term to which the town clerk was elected, at the expiration of which the Town Manager shall appoint the town clerk's successor.

SECTION 5.5 BOARD OF ASSESSORS

A. There shall be a board of assessors consisting of three (3) members appointed by the select board for three (3) year terms so arranged that one (1) term shall expire each year.

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B. Powers and Duties — The board of assessors shall annually make a fair cash valuation of all property, both real and personal, within the town and, subject to the terms or limitations of this charter, shall have all of the powers and duties which are given to boards of assessors under the constitution and laws and such additional powers and duties as may be authorized by charter, by-law or other vote of the town meeting.

C. The appointed ~~Said~~ board shall assume all duties and responsibilities of the Board of Assesors in existence prior to the acceptance of this act with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager. The Town Manager shall appoint a Principle Assessor ~~who may be a member of said board.~~

D. Upon the acceptance of this act, the Board of Assessors, which board was elected prior to the acceptance of this act, shall revert to an appointed board. Elected members of the board shall serve out their unexpired terms, at the expiration of which their successors shall be appointed by the select board. If for any reason a vacancy occurs in the membership of the Board of Assessors, the vacancy shall be filled for the unexpired term by appointment by the select board with input from the remaining members of the board of assessors.

SECTION 5.6 BOARD OF HEALTH

a. There shall be a Board of Health consisting of three (3) members appointed by the select board for three (3) year terms so arranged that one (1) term shall expire each year.

b. Powers and Duties — The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health and, subject to the terms or limitations of this charter, shall have all of the powers and duties which are given to boards of health under the constitution and laws and such additional powers and duties as may be authorized by charter, by-law or by other vote of the town meeting.

c. The appointed board shall assume all duties and responsibilities of the Board of Health in existence prior to the acceptance of this act with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager. The Town Manager may appoint an agent of the Board of Health and who shall possess all the powers and duties conferred or imposed by law upon agents of boards of health of towns, but who shall, in the performance of the duties of the office, be subject to the general supervision and direction of the Town Manager.

D. Upon the acceptance of this act, the Board of Health, which board was elected prior to the acceptance of this act, shall revert to an appointed board or three members, said appointments to be made by the Select Board. Elected members of the board shall serve out their unexpired terms, at the expiration of which their

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successors shall be appointed by the Select Board. If for any reason a vacancy occurs in the membership of the Board of Health, the vacancy shall be filled for the unexpired term by appointment by the Select Board with input from the remaining members of the board of health.

SECTION 5.7 BOARD OF LIBRARY TRUSTEES

A) There shall be a Board of Library Trustees consisting of six (6) members appointed by the select board for three (3) year terms so arranged that two (2) terms shall expire each year.

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B) Powers and Duties — The board of library trustees shall have custody of and manage the public library and all property of the town related to the library. All funds and property that the town may receive by gift or bequest for the purpose of library support or maintenance shall be administered by the board in accordance with the gift or bequest. The board of library trustees, subject to the terms or limitations of this charter, shall have all the other powers and duties which are given to boards of library trustees under the constitution and laws and such additional powers and duties as may be authorized by this charter, by-law or other town meeting vote.

C) The appointed board shall assume all duties and responsibilities of the Board of Library Trustees in existence prior to the acceptance of this act with the exception of the responsibility for employing and removing personnel, which shall be the responsibility of the Town Manager. The Town Manager shall appoint the Library Director and who shall possess all the powers and duties conferred or imposed by law but who shall, in the performance of the duties of the office, be subject to the general supervision and direction of the Town Manager.

D. Upon the acceptance of this act, the Board of Library Trustees, which board was elected prior to the acceptance of this act, shall revert to an appointed board of six members, said appointments to be made by the Select Board. Elected members of the board shall serve out their unexpired terms, at the expiration of which their successors shall be appointed by the Select Board. If for any reason a vacancy occurs in the membership of the Board of Library Trustees, the vacancy shall be filled for the unexpired term by appointment by the Select Board with input from the remaining members of the Board of Library Trustees.

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SECTION 5.2 SECTION 5.8 5 POLICE DEPARTMENT

— Subject to this charter, the police chief and police department shall operate under section 97A of chapter 41 of the General Laws. The town administrator Town Manager shall appoint the police chief, subject to subsection b of section 4.2. The police chief shall be appointed on the basis of qualifications and fitness for service. Such appointment shall be for an indefinite term. The

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~~police chief, once appointed, may only be removed from office in accordance with section 7.5.~~

~~A) The police chief shall be appointed on the basis of qualifications and fitness for service. The town administrator, in consultation with the board of selectmen, shall determine the qualifications for appointment of the office of police chief; provided, however, that the town administrator shall use an assessment process using not less than 3 police professionals, not employed by the town of Wrentham, in order to evaluate candidates for the position of police chief.~~

A) Subject to this charter, the police chief and police department shall operate under section 97A of chapter 41 of the General Laws. The Town Manager shall appoint the police chief, subject to subsection b of section 4.2. The police chief shall be appointed on the basis of qualifications and fitness for service. Such appointment shall be for an indefinite term. The police chief, once appointed, may only be removed from office in accordance with section 7.5 of this Charter.

B) The police chief shall be the appointing authority for all police officers ~~in accordance with chapter 31 of the General Laws~~; provided, however, that the police chief shall use an assessment process to evaluate candidates and select superior officers above the rank of patrol officer.

~~— The town shall establish the position of police chief such that the police chief shall have those powers, duties and responsibilities provided by section 97A of chapter 41 of the General Laws, unless otherwise provided by this charter.~~

SECTION 5.9 6 FIRE DEPARTMENT

A) Subject to this charter, the fire chief and the fire department shall continue to operate under section 42 of chapter 48 of the General Laws. ~~There shall be a~~ The fire chief, ~~who~~ shall be appointed by the town administrator Town Manager subject to subsection (b) of section 4.2 ~~and in accordance chapter 31 of the General Laws and the rules made thereunder. Such appointment shall be for an indefinite term. The fire chief, once appointed, may only be removed from office in accordance with section 7.5.~~

B) The fire chief shall be responsible for the appointment, management and supervision of personnel, shall be responsible for all operations of the fire department, shall serve as the town's forest fire warden and shall perform all fire related duties and tasks considered necessary by the ~~town administrator~~ Town Manager.

~~a. — The fire chief shall be the appointing authority for fire fighters and emergency medical technicians, which appointments shall be in accordance with chapter 31 of the General Laws.~~

SECTION 5.10 7 FINANCE DEPARTMENT

~~C) A) There shall be a consolidated department of municipal finance as provided under section 11 of chapter 43C of the General Laws, which shall be~~

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responsible for all fiscal and financial affairs of the town and for the supervision and coordination of all activities of all government agencies in relation to any fiscal or financial matters. This department shall include the following entities which shall become divisions of the consolidated department:

- [\(i\) Treasurer-Collector, headed by a treasurer director](#)
- [\(ii\) Accounting, headed by a town accountant](#)
- [\(iii\) Assessing, headed by a principle assessor, working under the policy direction of the board of assessors and the day-to-day administrative direction of the finance director.](#)

~~D)B)~~ There shall be a finance director, who shall be appointed by the [Town Manager](#) subject to subsection (b) of section 4.2. The term of office of the finance director shall be for 3 years. All other conditions of employment will be outlined in the town personnel by-laws. The finance director shall be fully qualified by training, experience and executive ability to discharge the duties of the office.

~~E)C)~~ The finance director may have and exercise all powers and duties of the treasurer collector or town accountant as defined under the constitution and the General Laws. The finance director shall ensure compliance with all appropriate statutes and be responsible for overall management of the town's investment portfolio. In addition, the finance director shall be responsible for collection of all accounts due the town, direct the town's financial operations, including the duties of treasurer-collector, assist the Town Manager in the preparation of the annual budget and report periodically on the financial status of the town to the Select board.

~~F)D)~~ The finance director shall be responsible to assure that all financial resources of the town are adequately safeguarded and utilized.

~~G)E)~~ The finance director shall be responsible for both short-term and long-term financial planning for the town.

~~H)F)~~ The finance director shall be an ex-officio member of the finance committee or any other committee established to advise the town meeting with respect to appropriations. The finance director may designate another financial officer or staff member to attend any meeting of any multiple member body to represent the views of the finance director.

~~I)G)~~ The finance director shall appoint all personnel necessary to staff the department as constituted herein with the approval of the [Town Manager](#) and shall supervise all department personnel. The treasurer-collector, town accountant, [and principle assessor](#) may also exercise such additional duties, as may from time to time, be assigned to that office by by-law or by other vote of the town meeting.

~~J)H)~~ The finance director shall be responsible for the following functions coordination of all financial services and activities of the town government;

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- ~~K)I)~~ maintenance of all accounting records and other financial statements for all town governmental offices and agencies;
- ~~L)J)~~ the payment of all financial obligations on behalf of the town;
- ~~M)K)~~ the receipt of all funds due to the town from any source;
- ~~N)L)~~ the rendering of advice, assistance and guidance to all other town offices and agencies in any matter relating to financial or fiscal affairs;
- ~~O)M)~~ the monitoring throughout the fiscal year of the expenditure of funds by town offices and agencies, including the periodic reporting to all such offices and agencies on the status of accounts with recommendations concerning fiscal and financial policies to be implemented by such offices and agencies; and
- ~~P)N)~~ supervision of all data processing functions and activities.
- ~~Q)O)~~ Acting Finance Director — In the event of a vacancy in the office of finance director, or the temporary absence of the finance director due to illness or other cause, the [Town Manager](#) may appoint an acting finance director.
- ~~R)P)~~ Bond - The finance director shall give bond to the town with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of the duties of said office. The premium for such bond shall be paid by the town.

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SECTION 5.11 & DEPARTMENT OF PUBLIC WORKS

- ~~a-A)~~ There shall be a department of public works, headed by a [director](#) of public works, who shall be appointed by the [Town Manager](#), subject to the provisions of subsection (b) of section 4.2. The [director](#) of public works shall be a person especially fitted by education, training or previous experience to perform the duties of the office.
- ~~b-B)~~ The [director](#) of public works shall be responsible for the supervision and coordination of all public works operations of the town which are placed under the superintendent's control by this charter, by-law, vote of the town or otherwise. Public works operations may include, but are not limited to: (i) the maintenance of town infrastructure, including town highways, water supply and distribution; (ii) wastewater treatment; (iii) parks and cemeteries; (iv) refuse collection and disposal; and (v) forestry services.
- ~~C)~~ Other offices, the functions of which are related to a department of public works, may from time to time be assigned to the department in accordance with by-laws or an administrative code, as provided in section 5.1.
- ~~S)D)~~ The Select board, acting through the Town Manager, shall be responsible for the overall policy decisions of the department of public works and for the establishment of priorities to govern the operation of the department; provided, however, that the Select board shall not in any way become involved with the day to day operations of said department.

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SECTION 5.12 .9 DEPARTMENT OF INSPECTION

~~T)A)~~ There shall be a department of inspection headed by the building commissioner. The building commissioner shall act as inspector and enforcement officer of buildings and zoning and shall oversee the following inspection responsibilities: (i) weights and measures; (ii) wires; (iii) gas and plumbing; (iv) building; and (v) all other matters which are usual and customary for said office.

~~U)B)~~ The department of inspection, under the supervision of the building commissioner, shall provide for consolidation of inspection operations, coordination of functions, centralized planning of work assignment and distribution, timely inspection services, centralized record keeping and management of manpower resources.

~~V)C)~~ The Town Manager shall appoint the building commissioner, consistent with Section 4.2.b, to a 3-year term and inspectors for terms of 1 year. The Town Manager may appoint assistants to any of the referenced inspectors in this section.

~~a. During any period of time in which the board of health does not have a department head, the health agents shall coordinate day to day inspection schedules with the building commissioner. For the purpose of this section, health agents shall be those people who generally provide consultation and inspections for the board of health on matters involving on-site septic systems, drainage or any other matters which are associated with the construction, alteration or improvement of buildings. This section shall not apply to health agents who provide contract inspectional services for retail or food service establishments.~~

SECTION 5.13 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

~~a. There shall be a department of Planning and Economic Development headed by the director of planning and economic development., who shall be appointed by the Town Manager, subject to the provisions of subsection (b) of section 4.2, and with input from the Planning Board. The director shall be a person fitted by education, training, or previous experience to perform the duties of the office.~~

~~a. b.~~ To best ensure the requisite level of collaboration for land use management, ~~the town~~ may maintain a technical review committee (TRC) that shall act in an advisory capacity by helping development and permit applicants to identify the by-laws, requirements, rules and regulations with which such applicants are expected to comply. The TRC shall assist boards in the review of proposed projects. The TRC shall be chaired by the director of planning and economic development ~~town planner, or the town administrator in the absence of a town planner~~, and its composition and responsibilities shall be further established by by-law.

~~b. The town shall maintain a development and permitting handbook or guide that provides a description of the scope and responsibilities for each board, commission or~~

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~~department with land use responsibilities. Said handbook or guide shall provide an overview of common application processes or workflows, this includes instructions for easily viewing status of the applications by all involved in the application process. The handbook or guide shall be maintained by the town planner, unless otherwise stipulated by by-law.~~

~~e. The town may incorporate by by law the practice of common peer review for the purpose of providing uniform and consistent outside consulting or peer review of projects and development in the town that requires permits or approvals by 2 or more of land use related boards, commissions or departments. Common peer review shall be defined and its uses further described by by-law.~~

SECTION 5.14 CONSTABLES

- A) There shall be three (3) constables, each appointed for a term of three (3) years by the select board so arranged that one (1) shall expire each year.
- B) Powers and Duties — Constables may serve writs and processes and shall have the powers of sheriffs to require aid in the execution of the constables' duties. The constables shall serve all warrants and other processes directed to them by the board of selectmen for notifying of town meetings or for other purposes. Constables may serve by copy, attested to by them, demands, notices and citations and the constables' returns of service thereof shall be prima facie evidence of the delivery. Subject to the terms or limitations of this charter, constables shall have all of the powers and duties which are given to constables under the constitution and laws and such additional powers and duties as may be authorized by the charter, by-law or other vote of the town meeting.
- C) Upon the acceptance of this act, the Constables elected prior to the acceptance of this act, shall serve out their unexpired terms, at the expiration of which their successors shall be appointed by the select board. . If for any reason a vacancy occurs, the vacancy shall be filled for the unexpired term by appointment by the select board.

SECTION 5.15 APPOINTED BOARDS AND COMMITTEES

- a. Committees may be established from time to time by town by-law, by the moderator, the select board, or the Town Manager. For all such committees, the appointing authority shall provide a committee charge which establishes the committee's membership, duration, terms of office, responsibilities and objectives, unless otherwise stated in the town's by-laws.
- b. Membership on committees shall be limited. No resident shall serve simultaneously on more than 1 of the following: Select board, planning board, board of health, board of appeals and conservation commission. Residents serving on the finance committee shall not simultaneously serve as a town officer, on any multiple member body or to any appointment which annually seeks or requires funding from the town's operating budget.

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~~b-c.~~ Standing boards and committees are those bodies that have an enduring charge. Members of such boards and committees shall reside in the Town of Wrentam at the time of their appointment and during their term of office. Ad hoc committees, which normally have a charge with a specified end date or task, may as necessary and appropriate have members that are not Town residents.

ARTICLE 6 FINANCE AND FISCAL PROCEDURES

SECTION 6.1 ANNUAL BUDGET DEVELOPMENT PROCESS

~~W)A)~~ Annually, the [Town Manager](#) shall establish and issue a budget development schedule and directions for preparing the proposed budget, which shall set forth the calendar dates, requested information and analysis relating to the development of the annual operating budget for the ensuing fiscal year. The [Town Manager](#) shall issue the budget development schedule at least 150 days prior to the date for the annual town meeting.

~~X)B)~~ Pursuant to the annual budget development schedule established in subsection (a), the [Town Manager](#) shall request and receive from the finance director and the board of assessors the estimated revenue for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, the above officials shall revise, update and submit the data to the [Town Manager](#).

The board of selectmen, after consultation with the town administrator, shall issue a policy statement that shall establish the general guidelines for the next town budget.

~~Y)C)~~ All department heads and all [applicable](#) multiple member bodies shall submit detailed budget requests to the [Town Manager](#) as the budget calendar shall require.

a. Prior to the scheduled date of the annual town meeting, the [Town Manager](#) shall submit to the [Select board](#) and the finance committee a comprehensive proposed budget for all town functions for the ensuing fiscal year and an accompanying budget message.

~~b-D)~~ The budget message shall explain the proposed budget in fiscal terms and in terms of what specific projects a contemplated in the year ahead. It shall:

~~i-E)~~ outline the proposed financial policies of the town for the ensuing fiscal year;

~~ii-F)~~ describe the important features of the budget;

~~iii-G)~~ indicate any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes;

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- ~~iv-H)~~ _____ summarize the town's debt position;
- ~~v-I)~~ include such other material as the ~~town administrator~~Town Manager may deem appropriate; and
- ~~vi-J)~~ identify other anticipated sources of funds, such as revolving funds, gifts or grants.

~~z-K)~~ _____ The proposed budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the Town Manager, in consultation with the finance director and the finance committee, may establish. The proposed budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing year, detailed by each town agency and by specific purposes and projects.

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~~L)~~ The Select board shall, within 30 days following the submission of the proposed budget by the Town Manager, adopt such budget, with or without amendments, and shall submit it to the finance committee. ~~The board of selectmen shall also transmit the budget request of the Wrentham public school committee, with its recommendations thereon, to the finance committee.~~

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~~d-M)~~ _____ The finance committee shall conduct 1 or more public hearings on the proposed budget, including the school budget, and shall issue printed recommendations ~~and detailed explanations of all financial articles in an annual finance committee report, in accordance with by law, prior to the scheduled date of the annual town meeting.~~ In preparing its recommendations, the committee may require the ~~town administrator~~Town Manager, any town department, office, board, commission or committee to appear and furnish it with appropriate additional financial reports and budgetary information.

~~The finance committee shall present the proposed budget to town meeting.~~

SECTION 6.2 CAPITAL IMPROVEMENTS PLAN

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~~AA)A)~~ _____ A capital budget planning committee shall study all proposed projects, capital investments and improvements involving long-term assets and major projects. The composition of the committee shall be established by by-law which shall also define the useful life and cost criteria for capital expenditures.

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~~BB)B)~~ _____ All ~~department heads and applicable multiple member bodies elected boards and officials, on behalf of their departments and committees,~~ shall annually provide to the Town Manager capital budget planning committee, in a specified format ~~specified by the committee~~, information concerning all anticipated capital expenditures that require

town meeting action during the ensuing 5 years, as well as any relevant documentation requested ~~by the committee.~~

~~CC)C)~~ The ~~capital budget planning committee~~ Town Manager shall prepare a capital improvement plan which: (i) forecasts the town's capital budget requirements and anticipated funding mechanisms over the ensuing 5-year period; and (ii) recommends an annual capital budget. The capital improvements plan shall be updated and approved on a yearly basis by the ~~capital budget planning committee~~ Town Manager. The capital improvements plan shall include, but not be limited to:

~~DD)D)~~ a list of all capital improvements proposed to be undertaken during each of the ensuing 5 fiscal years, with supporting information as to the need for each capital improvement; and

~~EE)E)~~ cost estimates, proposed methods of financing and recommended time schedules for each improvement.

~~FF)F)~~ The Town Manager shall submit the capital improvements plan annually to the Select Board and finance committee with recommendations. The finance committee shall review the plan and make its recommendations. The Select board may vote to accept the plan or return it to the Town Manager for revision.

~~GG)G)~~ Any proposal for a capital expenditure which is not included in the capital improvements plan shall be presented to the Town Manager for consideration prior to the submission of the warrant article. If changes in the capital expenditures in the capital improvements plan for any given year are warranted or necessitated by changing financial circumstances, the Town Manager shall prepare a recommendation for town meeting.

~~HH)H)~~

~~a. The finance committee shall present the proposed capital expenditures for the current fiscal year's capital improvements to the town meeting.~~

ARTICLE 7 GENERAL PROVISIONS

SECTION 7.1 CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedures made available under the constitution and laws.

SECTION 7.2 RULES AND REGULATIONS

A copy of the rules and regulations adopted by a town agency shall be filed in the office of the town clerk within 5 days, or as otherwise specified by law.

SECTION 7.3 CHARTER REVIEW

At least once every 10 years, in each year ending in a 4, a special committee to consist of at least 5 members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The

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committee shall be appointed by the board of selectmen and shall meet to organize following its appointment, which shall occur prior to the final adjournment of the spring town meeting.

SECTION 7.4 BY-LAW REVIEW

Unless the town maintains standing committees that are actively engaged in its charge, the Select board shall at 5-year intervals, in each year ending in 0 or 5, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all town by-laws, which shall be presented to the town meeting for enactment not later than at the fall town meeting in the year following the year in which the committee is appointed. The committee, in its final or its interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be conducted with the participation of town counsel or by special counsel retained for that purpose. After enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general for approval and such by-laws shall be published, all as required by the General Laws. Copies of the revised by-laws shall be made available for distribution to the public.

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SECTION 7.5 REMOVALS AND SUSPENSIONS

~~a-A)~~ Any appointed officer, member of a multiple member body or employee of the town, not subject to any specific provisions of the General Laws associated therewith, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "good cause" shall include, but not be limited to, the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming of the office.

~~b-B)~~ Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure stated in subsection (c).

~~c-C)~~ The appointing authority, when removing any officer, member of a multiple member body or employee of the town shall provide a written notice of the intent to remove and a statement of the cause of such removal which shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed. Within 5 days following the delivery of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing. One to 10 days after the

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public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing 6 to 15 days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such that the notice is rescinded. Failure of the appointing authority to take any action within the time periods stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee of the town shall be reinstated.

~~d-D)~~ Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

SECTION 7.6 LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed as a member of a multiple member body shall fail to attend 4 or more consecutive meetings, or 1/2 of all of the meetings of such body held in 1 calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office vacant; provided, however, that not less than 10 days prior to the date said vote is scheduled to be taken, the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

SECTION 7.7 SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 2. Except as provided for in the Wrentham Home Rule Charter, all persons appointed or elected to positions at town agencies shall continue to perform their duties until reappointed, reelected, retired or until successors to the respective positions are duly appointed or elected, or the duties have been transferred and assumed by another town agency in accordance with this charter.

SECTION 3. Except as otherwise provided by the Wrentham Home Rule Charter, all special laws including chapter 74 of the acts of 2008, town by-laws, town meeting votes and rules and regulations pertaining to the town in force when the charter takes effect and not specifically or by clear implication repealed as a result of the adoption of this charter, shall continue in full force and effect until amended or rescinded or until expired by its own limitation. If the Wrentham Home Rule Charter conflicts with town by-laws, the charter shall govern.

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SECTION 4. Any person holding a town office or a position in the administrative service of the town, or any person holding full-time employment under the town, shall retain that office, position or employment and shall continue to perform the duties of that office, position or position of employment until provisions are made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit a pay grade or time in the service of the town as a result of the adoption of the Wrentham Home Rule Charter; provided further, that this section shall not be deemed to provide any person holding an administrative office or position or person serving in the employment of the town on the effective date of this act with any greater rights or privileges with regard to continued service or employment with the town than that person had before the effective date of this act. This section shall not impair any individual employment contract or collective bargaining agreement.

SECTION 5. All records, property and equipment of any office, department or agency, or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

SECTION 6. All official bonds, obligations, contracts and other instruments entered into or executed by or on behalf of the town before adoption of this act and all taxes, assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town shall be enforced and collected and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this act. No legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this act. No contracts or liabilities in force on the effective date of this act shall be affected by the adoption of this act, the change of certain positions from elected to appointed or the creation of the department of public works. Any new positions and departments shall, in all respects, be the lawful successor of offices and department abolished, consolidated or otherwise modified.

SECTION 7. For voter approval of the Wrentham Home Rule Charter, the town shall place on the election ballot a question to be worded as follows: "Shall an act passed by the general court in the year 2014, entitled 'An Act establishing a charter for the town of Wrentham' be accepted?"

Below the question shall appear a fair and concise summary of the proposed charter, prepared by town counsel. The summary shall address, at a minimum, the composition and mode of selection of the legislative and executive branches and Wrentham public school committee, as well as any other proposed provisions that town counsel deems appropriate. If a majority of the votes cast in answer to the question is in the affirmative, the town shall be deemed to have accepted the Wrentham Home Rule Charter, but not otherwise. If the question is placed on the April 2014 municipal ballot and is accepted, the Wrentham Home Rule Charter, shall take effect July 1, 2014. If the question is not on the April 2014 municipal election ballot, the town shall hold a special election on the

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same day and time as the commonwealth's election in November 2014. The Wrentham Home Rule Charter, if accepted on the November 2014 ballot, shall take effect January 1, 2015

SECTION 8. This act shall take effect upon its passage.

Approved, ~~May 23, 2014~~